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PATENT APPLICATION  
Docket No. 10209.388

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
 )  
 Claude Jarakae Jensen et al. )  
 )  
 Serial No.: 10/044,158 )  
 )  
 Filed: January 11, 2002 )  
 )  
 For: FREEZE CONCENTRATION PROCESS )

Adjustment date: 09/13/2002 AKELLEY  
07/30/2002 AKELLEY 00000022 10044158  
01 FC:122

-130.00 OP PETITION UNDER 37 C.F.R. § 1.53(e)

Office of Petitions  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Repln. Ref: 09/13/2002 AKELLEY 0013074000  
DAH:500843 Name/Number:10044158  
FC: 704 Sir: \$130.00 CR

RECEIVED

JUL 11 2002

OFFICE OF PETITIONS

This is responsive to the Notice of Incomplete Nonprovisional Application (hereinafter "Notice") mailed from the United States Patent and Trademark Office on June 3, 2002. The Notice was sent indicating that the "application was deposited without drawings." Applicants respectfully disagree and provide evidence supporting the fact that the drawings were deposited with the application on January 11, 2002.

The above-referenced application (hereinafter "Patent Application") was filed on January 11, 2002, and claimed priority to United States Provisional Application Serial No. 60/268,305 (hereinafter the "Provisional Application") that was filed on February 13, 2001 and that included a copy of the drawings in the disclosure. When the Patent Application was filed, both the Certificate of Mailing by "Express Mail" under 37 C.F.R §1.10 and the Transmittal Letter that were filed with the Patent Application indicated the inclusion of the drawings with the Patent Application.

Specifically, the Certificate of Mailing by "Express Mail" under 37 C.F.R §1.10 indicates that "the

07/30/2002 AKELLEY 00000022 10044158

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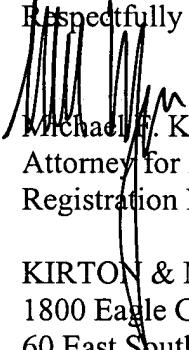
130.00 OP

following correspondence: Utility Patent Application Transmittal Letter, Patent Application, Drawings, Check, and Postcard is being deposited with the United States Postal Service 'Express Mail Post Office to Addressee' service under 37 C.F.R. §1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on January 11, 2002." The Transmittal Letter indicates that three (3) sheets of formal drawings were included with the Patent Application. Accordingly, Applicants respectfully provide herein a copy of the Certificate of Mailing by "Express Mail" under 37 C.F.R. §1.10, a copy of the Utility Patent Application Transmittal Letter, another set of the drawings for the Patent Application, this petition under 37 C.F.R. §1.53(e), and a corresponding petition fee set forth in 37 C.F.R. §1.17(h). Applicants also respectively provide herein a newly executed oath or declaration, as requested in the Notice of Incomplete Nonprovisional Application.

Applicants respectfully submit this written Petition in conformance with 37 C.F.R. §1.53(e), along with the appropriate fee as set forth in 37 C.F.R. § 1.17(h), and submit that the application is entitled to a filing date of January 11, 2002. Applicant respectfully requests a refund of the petition fee to Deposit Account No. 50-0843 upon a determination that the drawings were in fact received by the United States Patent Office with the Patent Application.

DATED this 3 day of July 2002.

Respectfully submitted,

  
Michael F. Krieger  
Attorney for Applicant  
Registration No. 35,232

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**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Claude Jarakae Jensen

Docket No.

10209.388

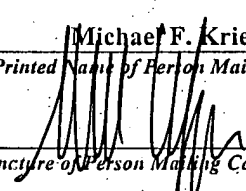
Serial No.  
not yet assignedFiling Date  
January 11, 2002Examiner  
not yet assignedGroup Art Unit  
n/aInvention: **FREEZE CONCENTRATION PROCESS**

I hereby certify that the following correspondence:

Utility Patent Application Transmittal Letter, Patent Application, Drawings, Check, and Postcard

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

January 11, 2002*(Date)*Michael F. Krieger*(Typed or Printed Name of Person Mailing Correspondence)*  
*(Signature of Person Mailing Correspondence)*EL 700402493 US*(“Express Mail” Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.  
10209.388Total Pages in this Submission  
31**TO THE ASSISTANT COMMISSIONER FOR PATENTS**

Box Patent Application

Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**FREEZE CONCENTRATION PROCESS**

and invented by:

**Claude Jarakae Jensen**If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 23 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications *(if applicable)*
  - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
  - d. ☐ Reference to Microfiche Appendix *(if applicable)*
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings *(if drawings filed)*
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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31

**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal                      Number of Sheets 3
- b. ☐ Informal                      Number of Sheets
4. ☐ Oath or Declaration
- a. ☐ Newly executed *(original or copy)* - ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☐ With Power of Attorney    ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application, and is hereby incorporated by reference therein.
6. ☐ Computer Program in Microfiche *(Appendix)*
7. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy *(identical to computer copy)*
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8. ☐ Assignment Papers *(cover sheet & document(s))*
9. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement/PTO-1449    ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class    ☒ Express Mail *(Specify Label No.):* EL 700402493 US

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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31

**Accompanying Application Parts (Continued)**

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*

16. ☐ Additional Enclosures *(please identify below):*

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

17. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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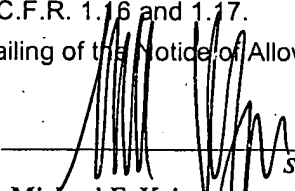
**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	17	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	3	- 3 =	0	x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$740.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$740.00

- ☒ A check in the amount of **\$740.00** to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **500843** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: January 11, 2002

  
Signature  
Michael F. Krieger  
Attorney for Applicant  
Attorney Registration No. 35,232  
KIRTON & McCONKIE  
1800 Eagle Gate Tower  
60 East South Temple Street  
Salt Lake City, Utah 84111  
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CC: